

Planning and Zoning Department

2014 Annual Report

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Introduction

Planning and Zoning Department 2014 activity focused on two major urban service area adjustments. Recovery from the 2008 recession was seen with some major land division requests approved or working their way through the process: North Park, Quarry Vista and Fahey Fields. From urban infill development to local food, the department serves a variety of community and policy-maker desires. Additional information may be found at the Planning Department web site: <http://www.fitchburgwi.gov/departments/cityHall/planning/index.php>.

Land Use Planning

Comprehensive Plan

The City's first Comprehensive Plan was adopted in March 2009. This Comprehensive Plan was accomplished to meet the requirements of the Comprehensive Planning Statute, also referred to as the Smart Growth law, which was adopted in October 1999. The plan acts as a land use constitution for the city and sets forth the goals, objectives and policies to guide city actions in land use matters. Under state law, it takes about four months to process an amendment to the Comprehensive Plan, and therefore the Comprehensive Plan limits amendments (other than for certain aspects, such as neighborhood plans) to one time per year.

The fifth annual Comprehensive Plan amendment, adopted on August 26, 2014, focused on reclassification of a few parcels of land, and removal of Floor Area Ratio (FAR) requirements contained within the McGaw Neighborhood Plan. One reclassification involved part of the Thermo-Fisher property along McKee Road to accommodate a use being relocated from just west of Verona Road. The other reclassification was for property on South Fish Hatchery Road south of the Fitchburg Technology Campus to take its land use to high density. The FAR requirements were removed from the McGaw Plan primarily due to Promega Corporation's purchase of 16 acres and its relatively low initial and future expansion, floor area ratio. This would have made it overly difficult, if not impossible, for other sites to meet the original overall 50% FAR for the business area.

Arrowhead Industrial Infill and Redevelopment Plan

Spoke and Sprocket Drives were installed in 2014 representing a large project to implement the Arrowhead plan. Planning staff, which assisted Public Works in the selection of the engineering consultant, provided advice throughout the design process, particularly relative to the Comprehensive Plan.

Fitchburg Technology Campus, Certified Industrial Site Program

In the fall of 2014 Ruedebusch held an event kicking off the certified industrial site which is an addition to the Fitchburg Technology Campus. This area was added to the urban service area in 2010 to accommodate additional high technology industrial development. A great deal of effort was put forth to respond to inquiries made by WEDC and its agents. As the request for information moved forward it became clear that much of the detailed information was found in the McGaw Park Neighborhood Plan. The level of detail accomplished by this resource based

planning more than paid dividends for the quick response and the ability of the property owner to not have to undertake this work effort. As a certified site, less due diligence is required by a potential purchaser, as that work has been accomplished as part of the certification process.

North Stoner Prairie Neighborhood Plan—Urban Service Area Adjustment

The North Stoner Prairie Plan was adopted by the Common Council in November 2013. Major features of the plan include low density residential development east of Seminole Highway, and commercial and industrial development located west of Seminole Highway. Connectivity of current dead-end streets is planned, in a manner acceptable to an adjoining neighborhood that had preferred the streets remain dead-ended.

An urban service request was made to the Capital Area Regional Planning Commission in March, and the Commission approved the request in October, and sent the request to the Wisconsin DNR for final action in November. The amendment will add 331.4 acres to the urban service area, of which 224.5 are developable.

Due to budget constraints the plan lacked specificity in some areas, most of which was delineated in the 2013 Annual Report. This neighborhood plan will lack the level of evaluation which is crucial to meeting the information required by the WEDC certified industrial site program. Expenses for this information will need to come at a later point, likely prior to platting the property.

Because almost the whole neighborhood plan area is within internally drained watersheds, the plan proposes the use of a 100% stay-on requirement for the neighborhood. It also suggests the use of low impact sustainable development options to allow for more on-site development while recognizing the storm water limitation. Meeting the 100% stay-on should be less challenging due to work funded through the CARPC Sustainable Communities Grant.

Northeast Neighborhood—Urban Service Area Adjustment

The Northeast Neighborhood Plan, which was approved in 2010, also had its urban service adjustment request submitted to CARPC this year. Taking public testimony in October, and considering it in November, members of the Commission outlined reasons why they could not support an amendment to develop a land area so close to the Waubesa Wetlands. CAPRC rules require 8 favorable votes to adopt. This urban service adjustment request received five positive and six votes against, with the chair not voting and one seat vacant. CAPRC forwarded most of the information for this urban service adjustment to the Wisconsin DNR in November. This area would add 985.9 acres to the urban service area, of which 503.4 developable acres.

If both urban service adjustments are approved, the city will be, at this point in time, just below the maximum allowable urban service area vacant land level set in the Comprehensive Plan.

Landmarks Preservation

No new designations have occurred. The Commission created a book of local and national designated sites, along with rules of the Landmarks Preservation Ordinance. A copy will be given to each landowner of a local historic site.

Agricultural and Rural Affairs

The Planning Department has assisted with planting of community available orchard trees at the City Hall campus. The department is also working to find a new home for Fitchburg Fields, a local group growing fresh fruit and vegetables for a local food pantry.

A bike tour along the Badger Trail was held during a Saturday morning in May to highlight the agriculture heritage of the area. The Planning Department has had prepared descriptive signage of this agricultural heritage along the trail, known as the Fitchburg Agricultural Route. Signs will be installed in the spring of 2015. Staff has also been pursuing discussions with a number of interest groups related to implementation of the Fitchburg Agricultural Route. The Planning Department has also prepared a draft of a “comprehensive agricultural plan” designed to assist in guiding agriculture planning and development in the City over a 10-year planning horizon.

In addition, the Farmland Preservation Plan update was approved in November, and was sent to the county for processing as part of their plan update. Staff has also prepared an updated City farmland preservation zoning ordinance that is consistent with the Farmland Preservation Plan update. This zoning ordinance has been approved by the Department of Agriculture, Trade, and Consumer Protection and will be adopted by the City in early 2015.

Code Development

2014 code activity related to modifications to the SmartCode. Most of the modifications were to better accommodate some aspects of single family development in T4 areas, and to allow a greater façade variation for multi-family units in T5, from chosen setback. The SmartCode is an integrated land development ordinance that sets forth a variety of development types to form neighborhoods offering a diversity of land use opportunities within a pedestrian scale. As an integrated development code it combines aspects of public works construction, such as street types, with zoning and land use. Land use is important, but it is to work with the development form, or the look and feel of a place. It attempts to replicate conditions and situations that exist in older small towns or city neighborhoods, usually pre-World War II—hence it is a neo-traditional neighborhood development ordinance. This ordinance meets the State of Wisconsin requirement for a Traditional Neighborhood Design Ordinance. After World War II development took on a sprawl oriented pattern based on the automobile, and provided single use areas and little or no integration of land use types. Sprawl development patterns receive part of the blame for the Nation’s obesity epidemic as less pedestrian and bicycle activity occurs due to the separation distance of various uses. The SmartCode uses a transect based approach with each transect zone representing certain development patterns. T3, for example, is representative of a typical single family subdivision, while T5 is a multi-family and commercial district that provides for a mix of office, business, and residential uses. T4 falls between T3 and T5, and allows some corner commercial property, although limited in size. T4 allows for narrow single family lots usually served by an alley, and attached row houses or other medium density multi-unit options.

It is crucial that the code retain and work off key principles. Staff is concerned that a continued

winnowing and accommodation will lessen the code and inadvertently end up with a hybrid code. For example, staff opposed the code alteration to allow greater façade variation for multi-family units in T5. Throughout the SmartCode adoption process the consultants in-grained to staff and participating policy makers that hybrid codes fail, because people do not understand what type of development model is represented. It is crucial that policy makers understand what the SmartCode is and what it is not so that accommodation does not lead to a development that does not meet expectations. To provide some assist with this education, staff will be holding a SmartCode workshop in 2015.

The SmartCode pattern book, created in 2012 is continually updated to reflect the many alterations made to the code to accommodate users. The pattern book, specific to each T zone, identifies the requirements in a more user friendly manner, and employs a greater use of graphics to better explain intent of various code requirements.



SmartCode building along No Oaks Drive

Notice the street wall formed by the buildings, and how the solid, masonry, parking wall forms a nice screen wall. Until amended in 2014 to accommodate the developer of North Park, the SmartCode only allowed an 18" back deviation from the chosen primary setback. This was to assist in keeping a good street wall presence. The concern is the code change will have buildings more like the below photo, than the photo to the left, where a greater façade articulation affects the street enclosure.



Multi-family building in Swan Creek

Please note the high level of building articulation which takes away from the presence of a street wall. Articulated buildings negatively affect quality urbanism by removing the presence of a good street wall which defines the public realm, and adds a sense of enclosure to the pedestrian. Pedestrian can lack the sense of security that a good urban façade boundary provides.

Following requirements of the Federal Emergency Management, and Wisconsin Department of Natural Resources, the city also adopted new floodplain maps, although little change occurred within floodplain boundaries in the city, the update was required to reflect new map numbers.

Application Activity

General Application Information

	Submitted Requests		Plan Commission Meeting Agenda Activity**	
	2013	2014	2013	2014
Architectural & Design Review Requests	29	20	29	20
Rezoning and Conditional Use Permits	28	37	28	39
Certified Survey Map Requests	6	7	6	9
CDP's &/or Preliminary Plats	7	3	7	8
Final Plats	2	3	2	4
Variances/ Administrative Appeals	2	3	2	3
Other Requests to Plan Commission *	37	35	37	40
Telecommunication Permits to Plan Com.	0	0	0	0
Demolition Permits to Plan Com.	0	0	0	0

Administrative Permits	2013	2014
Sign Permits	41	53
Zoning Permits	130	90

*These issues include, but are not limited to, resolutions, ordinance amendments and other matters referred to the Plan Commission for action or reports such as easements, pre-submission conferences, ordinance amendments, TID consideration, land use planning activities, review of standards or policies and other activities that do not fall under a specifically identified category noted under Commission and Board activity.

**Includes applications submitted in 2011 but on 2012 agenda.

The drop in architectural reviews can likely be attributed to authority granted to the zoning administrator to approve projects with little impact. So, while applications to the Plan Commission have fallen, there have been other requests administratively approved. The amount of activity can best be shown by the dramatic increase in rezoning and/or conditional use permits and the doubling in final plats approved.

It should be noted that a number of residential projects are in the planning stage, under construction, or completed within the last two years. If all of these projects occur, when fully built out over the next several years will create an estimated 1,704 multi-family dwelling units and 372 single family dwellings, for a total of 2,076 dwelling units. As noted, these are projects known as of December 2014 that have been approved, or are in process. It does not include other projects which developers have informed city administration about, but have not yet been submitted for approval.

Sign Code

Significant effort was put forth to sign enforcement, particularly for small signs, placed in the right-of-way. The Department is considering a change to its policy of notifying violators and giving them 24 hours to remove the sign as it seems simply to encourage violation.

In addition, the department drafted and had approved amendments to the sign code to better address potential issues due to the Verona Road project where business visibility may be blocked due to retaining walls, and change in highway grade. It also allows for “temporary banners” for uses in the construction area to be kept up during the multi-year construction. Verona Road construction is expected to last from 2014 to 2017. McKee Road segments near Verona Road will be upgraded in 2018.

Planning staff is also participating in the Verona Road Business Coalition (VRBC) and has worked with the group to address signage related to the Verona Road reconstruction project. Along with the sign code amendments to allow for temporary banners and a waiver process for affected businesses, planning staff is also working with the DOT and the VRBC to install some signs along Verona Road in 2015 to help make drivers aware that access to the Verona Road area is still open and promote the VRBC. Staff will continue to assist the group with regards to signage and help promote the business area leading up to and continuing through construction.

The Planning Department also worked with Economic Development on directional signage related to the re-pavement of McKee Road.

The city took action to limit what are commonly known as billboards, but in the parlance of the sign code, are known as off-site signs. As part of the Sign Ordinance amendments, the City removed the section for off-site signs (aka billboards). With the growth and development, the City does not desire to have additional billboards locate within the City. This is particularly true as growth moves east in order to avoid billboards along USH 14. The City has about five billboards, primarily along Verona Road and McKee Road.

The McKee Road billboard near the Cannonball Trail has had one side partially obscured by the bike path. Adams Outdoor Advertising, for many years, has discussed with high level policy makers their desire to install an electronic billboard in place of the current billboard. Adams received a variance in 2008 to relocate the sign outside of the Cannonball path right of way. The variance allowed for the movement of the existing 300 square foot off-site sign; this is twice the size of the off-site signs allowed by the sign code at that time. No mention was made at the time of the variance of a desire for an electronic billboard. In 2009, staff provided an opinion to the Mayor that an electronic billboard was not permitted under the sign ordinance as it would be an alternating sign. Adams made application for an electronic billboard in the summer of 2014, which permit was denied by the zoning administrator. An appeal of this decision was heard by the Common Council in September which upheld the decision of the zoning administrator. Adams has appealed this decision to the circuit court. At the administrative appeal hearing, a number of council members intimated a desire to allow for an electronic billboard in this situation, but as of this date, no ordinance amendment has been submitted.

Rezoning and Conditional Uses

Rezoning involved a variety of areas from a rural plat to transfer development rights, to plats for major development projects such as Techlands, North Park, and Quarry Vista. North Park is notable as it is the second area to be zoned SmartCode. The SmartCode district was altered to allow a smaller parcel which will be part of a TOD to be zoned SmartCode. The developer has some T3, T4, but a majority of T5 uses planned, with his major interest being multifamily residential. Techlands altered their original CDP to add more single family resulting in a reduction of desired industrial land area. Quarry Vista was approved for a variety of residential land uses from large lot single family, to small lot alley single family. It will also contain a 152 multi-family apartment project at the corner of Fitchrona Road and Lacy Road. Quarry Vista has been held up due to a landfill issue that was not represented during the platting stage. Rezoning of various properties originally for commercial used was changed by the Council to accommodate multi-family residential projects.

A number of conditional use permits were issued, covering a variety of interests. American Transmission Company received permits for encroachment in wetlands, and to re-construct and relocate a portion of a high voltage transmission line. The city also received permits for bike path work affecting a wetland.

A down zoning of lots 53 and 54 Chapel Valley under taken several years ago has been subject of a lawsuit for a number of years, and in 2014 the circuit court ruled in the favor of Fitchburg. McKee appealed the case to the Court of Appeals. The Court of Appeals has questioned the timing of the appeal. Briefs on the timing issue were submitted in November.

Tax Incremental Districts

Planning staff assisted with the creation of amendment 1 of Tax Increment District #6, which added much of the Arrowhead Planning area, along a good part of the Jamestown Commercial area. Investigation showed that insufficient increment would come about for anticipated projects from a stand-alone Arrowhead TID. The investigation also showed that an amendment to TID 6 could accomplish the projects, although it extends the life of TID 6 from 2014 to a currently estimated closure of 2025.

Even though it was approved in 2009, no activity has been seen in TID 8. Stewart Brown, the land owner, has so far been unable to obtain financing for the project. This TID saw a value decrease beyond the base value, leading to what is referred to as a decrement (as opposed to an increase in value known as increment). Brown has been in discussions to sell the site and it is possible that the prospect would not wish to construct the platted street that was programmed using TID money.

TID 4 is seeing construction of a Promega processing facility in the Techlands area. Construction began in 2014, prior to public improvements being installed, and is expected to be occupied later in 2015.

Special Projects

Nine Springs Golf Course Park Plan

In late spring of 2013 the Council directed Planning and Park staff to create a park alternative for the Nine Springs Golf Course. This has caused a great deal of consternation by golf interests concerned about losing the ability to play the par 3 executive course. The golf interest behavior and intimidation at the first public information meeting held in August 2013, “spooked” resident interests as few repeat residents attended the second public information meeting in October. Three park plan alternatives were created following the August meeting. One alternative provided 2-3 golf holes as part of a first tee program. Another had the eastern area being used for a nine-hole disc golf course. The last option was the eastern area being used as conservancy area. Each option provided soccer, play equipment, and gathering area.

A 2014 survey asking residents their preference between the golf course and park alternative, showed the golf course as the favored use. The Council chose to retain the use of the property as a golf course, although a few hours will be set aside for community use. The operator of the golf course is expected to also install a disc golf course, which was one of the main uses of the property under the park alternative.

Huegel-Jamestown Park

Planning staff is also assisting Parks staff in updating the master plan for Huegel-Jamestown Park. This park is a combination of park land controlled by Madison and Fitchburg, and was jointly developed in the 1970’s following a memorandum of understanding between the two municipalities. Utility and building construction issues have been issues of contention with city of Madison staff, and so an option of restrooms will be explored in the city portion of the site. Public Works has some utility pumping needs, which may lead to a joint facility.

CARPC Consortium

Fitchburg continues to be involved in the CARPC consortium. Plan Commission member Ed Kinney, and planning staff member Wade Thompson are the main personnel serving this group. Both members provided a presentation to the Plan Commission and then to the Committee of the Whole on the consortium and its educational efforts. It is a part of this consortium that Fitchburg was awarded a grant to identify a tool box of cost-effective strategies to assist with meeting the 100% storm water stay-on control for the part of the McGaw Neighborhood brought into the urban service area in 2010. The 100% stay-on will assist with the North Stoner Prairie Neighborhood. Wade is also involved with three consortium sub groups, working lands, the market study oversight committee, and the sustainable urban development work group.

Public Facilities

Planning staff have been assigned the duty of leading the two fire station projects. This was turned over to Planning with the resignation of Public Works Director Paul Woodard in May. Planning staff is also the lead on a comprehensive space needs study for uses at the City Hall campus site. This study also involves a general staffing plan. Activity on this study, which is driven primarily by Police space needs, started in October, and should conclude in the first quarter of 2015. The Space Needs study consultant team is led by Dimension IV Architects.

Transit Study

Planning is also leading a study to examine potential intra-city transit options for Fitchburg. SRF of Minneapolis is the lead consultant for this study. Work on this study is expected to wrap up in early 2015. In December, staff reviewed demand forecast methodologies.

Housing Assessment

A major undertaking of the department this year was to conduct an assessment of the supply, distribution and quality of the existing housing stock and its relationship to socioeconomic and demographic indicators based on the most recent (2012) American Community Survey (ACS) data. Major points of analysis include income and low income households, occupancy characteristics, building age and characteristics, home value and gross rent, units in structure, and transit access. The assessment gathered data on comparable municipalities to evaluate our performance in terms of regional context. The assessment demonstrates that not only is Fitchburg tracking well within the region on a number of housing indicators, but also exceeding regional performance on a number of equity indicators. When these indicators are placed in regional context, the City tends to align more closely with Madison than its regional partners. One main challenge will be to maintain a supply of affordable units as new units continue to be added. New units tend to be more expensive than existing, older units.

Conclusion

The continued pursuit of responsible planning is vital to a strong and well-functioning community. The Planning and Zoning Department continues to analyze and engage in activities that will benefit the entire Fitchburg community, including promoting and maintaining healthy neighborhoods. A well-planned city can provide efficient and cost-effective services. The Planning Department is committed to continuing its provision of strong, sound, and smart planning, as historically demanded by Fitchburg citizens.

Work effort for 2015 is expected to focus on completion of the space needs analysis, transit study, and continued fire station design. New anticipated work efforts to start in 2015 include a planning study for the westerly side of Verona Road, and efforts at implementation of other planning documents.